

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

|  |                    |
|--|--------------------|
| IN RE:<br><br>BROOKLYN MUNICIPAL UTILITIES | DOCKET NO. E-21502 |
|--|--------------------|

**ORDER GRANTING FRANCHISE**

(Issued July 31, 2000)

On February 4, 2000, Brooklyn Municipal Utilities (Brooklyn) filed a petition, identified as Docket No. E-21502, with the Iowa Utilities Board for a franchise to erect, maintain, and operate approximately .4 circuit miles of 36,230-volt maximum voltage electric transmission line in Poweshiek County, Iowa, pursuant to Iowa Code chapter 478 (1999).

In its petition, Brooklyn requests authority to franchise existing transmission lines that have been previously constructed and are presently being operated and maintained. Brooklyn states the line was initially issued a franchise, identified as Franchise No. 13229, which expired in November of 1996. Brooklyn further states that all easements required for the line have been obtained voluntarily or through eminent domain.

**FINDINGS OF FACT**

1. No objections to the petition have been filed as provided for by Iowa Code chapter 478 (1999).

2. Notice of the petition was published as required by Iowa Code chapter 478 (1999).

3. Brooklyn has filed an agreement to pay all costs and expenses of this franchise proceeding pursuant to Iowa Code § 478.4 (1999).

4. The transmission line is necessary to serve a public use. This conclusion is based on information provided pursuant to Iowa Code chapter 478 (1999).

5. The transmission line represents a reasonable relationship to an overall plan of transmitting electric energy in the public interest. This conclusion is based on information provided pursuant to Iowa Code chapter 478 (1999).

6. The transmission line will meet or exceed the minimum engineering requirements of the rules of the Board and will conform to the requirements of Iowa Code chapter 478 (1999).

7. Brooklyn has not requested it be vested with the right of eminent domain.

8. The transmission line is near and parallel to a railroad rights of way or along division lines of land, wherever practicable and reasonable, and so as not to unnecessarily interfere with the use of land by the occupants consistent with Iowa Code § 478.18 (1999).

### **CONCLUSIONS OF LAW**

1. The Utilities Board has jurisdiction of the parties and subject matter pursuant to Iowa Code chapter 478 (1999).

2. The Utilities Board has authority pursuant to Iowa Code chapter 478 (1999) to grant franchises for the construction, erection, maintenance, and operation of

certain electric transmission lines outside cities in the state for the transmission, distribution, or sale of electric current within the state. Iowa Code § 478.1 (1999). Brooklyn has met the requirements of Iowa Code chapter 478 (1999) and 199 IAC chapter 11, and a franchise should be issued to Brooklyn for the transmission line described in the petition.

**IT IS THEREFORE ORDERED:**

1. The petition is granted and a franchise will be issued to Brooklyn Municipal Utilities to construct, erect, operate, and maintain an electric transmission line as specifically described in the franchise, identified as Franchise No. 17431, attached to this order and incorporated by this reference.

2. The Utilities Board retains jurisdiction of the subject matter in this docket pursuant to Iowa Code chapter 478 (1999), and may at any time during the period of the franchise make such further orders as may be necessary.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr.      /s/ Diane Munns  
Executive Secretary

Dated at Des Moines, Iowa, this 31<sup>st</sup> day of July, 2000.

## **FRANCHISE NO. 17431**

On February 4, 2000, Brooklyn Municipal Utilities (Brooklyn) filed a petition, identified as Docket No. E-21502, with the Utilities Board (Board), for a franchise to erect, maintain, and operate .4 miles of 36,230-volt maximum voltage transmission line pursuant to Iowa Code chapter 478 (1999). Upon notice in accordance with Iowa Code chapter 478 (1999), the Board found the petition should be granted and a franchise issued to Brooklyn.

Pursuant to the order of the Board and Iowa Code chapter 478 (1999), this franchise is issued and permission and authority are granted to Brooklyn to erect, maintain, and operate a transmission line on routing specifically described for the transmission, distribution, use, and sale of electric current outside cities and town and for such purpose to erect, use, and maintain poles, wires, guy wires, towers, cables, conduits, and other fixtures and appliances necessary for conducting electric current for light, heat, and power, over, along, and across any public lands, highways, streams, or the lands of any person, company, or corporation and to acquire necessary interest in real estate for such purposes on and along the route particularly described in Exhibit A, attached to and incorporated by reference in this franchise.

This franchise is granted for a period of 25 years from the date of issuance unless revoked, modified, or terminated pursuant to Iowa Code chapter 478 (1999). This franchise shall be subject to and governed by all provisions, conditions, and requirements of Iowa Code chapter 478 (1999) and by all provisions, conditions, and

requirements of the Utilities Board, as may be applicable. If the facilities authorized by this order are not built in whole or in part within two years from the date of the order granting the franchise, this franchise shall be revoked unless Brooklyn petitions the Board for an extension of time pursuant to Iowa Code § 478.21 (1999).

During the period of time this franchise is in force, the use of the right of eminent domain is not necessary and, therefore, not included by the Board in its order granting this franchise.

It is provided and understood this franchise is granted subject to the provisions of Iowa Code § 319.5 (1999).

It is further provided and is a condition of this franchise that the Board retain jurisdiction and may at any time during the period of this franchise make such further orders and regulations as may be necessary.

**UTILITIES BOARD**

/s/ Allan T. Thoms  
Chairman

ATTEST:

/s/ Raymond K. Vawter, Jr.  
Executive Secretary

Dated at Des Moines, Iowa, this 31<sup>st</sup> day of July, 2000.